

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B3969PWO-Cs/Fa	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/000111	International filing date (day/month/year) 08 January 2003 (08.01.2003)	Priority date (day/month/year) 09 January 2002 (09.01.2002)
International Patent Classification (IPC) or national classification and IPC B65D 47/18		
Applicant BACKES, Claus-H.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 11 June 2003 (11.06.2003)	Date of completion of this report 25 February 2004 (25.02.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

501,204
Translation

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/000111

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-11 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-18 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1-3 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item. These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/E 3/00111

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	15	YES
	Claims	1-14, 16-18	NO
Inventive step (IS)	Claims		YES
	Claims	1-18	NO
Industrial applicability (IA)	Claims	1-18	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following documents:

D1: WO 99 55594 A

D2: WO 01 00498 A

D3: JP 11 240553 A (& PATENT ABSTRACTS OF JAPAN,
Vol. 1999, No. 14, 22 December 1999
(1999-12-22))

D4: EP-A-0 602 019

2. Document D1 discloses (the references in parentheses are to figure 3 in D1) a valve for dispensing drops of a fluid (6) held in a container (1), comprising a shell (2b) which has an outlet channel (7) for the fluid. The shell (2b) is fitted with a single elastically deformable membrane (3) which closes and seals the outlet channel (7).

The valve described in D1 thus incorporates all the technical features defined in claim 1. Claim 1 therefore lacks novelty.

Similar valves are also disclosed in documents D2 (figure 1), D3 (figure 2) and D4 (figure 10).

3. Dependent claims 2 to 14 and 16 to 18 do not contain any features that meet the PCT requirements in respect of novelty when combined with the features of any of the back-referenced claims. The reasons for this are as follows:

- The combinations of features defined in claims 2, 4 to 7, 9, 13 and 16 to 18 are disclosed in D1.
- The combinations of features defined in claims 3, 10 to 12 and 14 are disclosed in D2.
- The combination of features defined in claim 8 is disclosed in D4.

4. Dependent claim 15 does not contain any features that meet the PCT requirements in respect of inventive step when combined with the features of any of the back-referenced claims. The valve according to claim 15 differs from the valve according to document D3 in that it includes a sterile filter. However, providing a valve of this type with a sterile filter is a routine measure for preventing contamination of the contents of the container (see document D4). A person skilled in the art would therefore regard the incorporation of a sterile filter in the valve according to D3 as a routine procedure.